

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Jose L. Linares
	:	
v.	:	Cr. No. 99-457 (JLL)
	:	
CARLOS RODRIGUEZ	:	ORDER

LINARES, District Judge.

This matter comes before the Court on the motion [CM/ECF # 68] of Defendant Carlos Rodriguez for Modification of Sentence Pursuant to 18 U.S.C. 3582(c)(2) and U.S.S.G § 2D1.1. No oral argument was held.

Defendant Rodriguez pled guilty April 17, 2000, to conspiracy to distribute controlled substances, 21 U.S.C. § 846. [CM/ECF # 29] He was sentenced December 20, 2001 to a term of imprisonment of 188 months. [CM/ECF # 51]. Defendant Rodriguez now argues that Amendment 591 to the Sentencing Guidelines, which took effect November 1, 2000, makes U.S.S.G § 2X1.1 applicable to his case, with the result being that a 3-level reduction in his sentence becomes appropriate.

Application Note 1 to U.S.S.G. § 2X1.1 (“Attempt, Solicitation, or Conspiracy (Not Covered by a Specific Offense Guideline”), both prior to Amendment 591 and now, makes explicit that “[c]ertain attempts, conspiracies, and solicitations are expressly covered by other offense guidelines.” Section 2D1.1 – the section relevant to Defendant Rodriguez’s calculation – was included in the list of such guidelines with regard to conspiracy both prior to and after Amendment 591. As such, the amendment made no change relevant to Defendant Rodriguez so

having been found for the reasons heretofore set forth,

IT IS THIS 8 day of September 2010,

ORDERED that Defendant's motion [CM/ECF # 68] is DENIED

A handwritten signature in black ink, appearing to read 'J. Linares', written over a horizontal line.

HON. JOSE L. LINARES
United States District Judge